

Application No. 10/601,949

REMARKS

The Examiner's Office Action has been studied carefully. The allowance and allowability of Claims 22-26, 29, and 30 are gratefully acknowledged. Claims 29 and 30 are objected. Claims 27 and 28 stand rejected under 35 U.S.C. § 103(a).

Claims 22-30 remain in this application. Claim 28 is cancelled. Claims 22, 27, 29, and 30 have been amended.

Claims 22, 27, 29, and 30 have been amended to make perfunctory changes:

Claim 22 is amended to replace the semicolon with a colon at the end of the preamble.

Claim 27 is amended to delete original element (h) because it is redundant. Original element (h) requires the first fabric to be a dress weave and the second fabric to be a high visibility knit. Element (i) also requires the first fabric to be a dress weave and the second fabric to be a high visibility knit.

Claim 27 is amended in element (k) to correct a typographical error in the word, polytetrafluoroethylene.

Claim 29 is amended to replace the semicolon with a colon at the end of the preamble.

Claim 29 is amended at elements (f) and (g) to correct a typographical error in the word, fluoroethylene.

Claim 29 is amended at element (o) to insert a semicolon at the end thereof.

Claim 29 is amended in new element (p) to correct a typographical error in the word, polytetrafluoroethylene.

Claim 30 is amended to replace the semicolon with a colon at the end of the preamble.

Claim 30 is amended at elements (a), (m), and (n) to replace "raincoat" with "rain jacket," because the claim preamble describes a rain jacket, not a raincoat.

Claim 30 is amended at elements (f) and (g) to correct a typographical error in the word, fluoroethylene.

Claim 30 is amended at element (o) to insert a semicolon at the end thereof.

Claim 30 is amended in new element (p) to correct a typographical error in the word, polytetrafluoroethylene.

Argument

The Claim Objections

Claims 29 and 30 are objected to because "facing" is misspelled as "facng." The appropriate correction has been made.

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The Specification Objection

The specification is objected to for failure to provide an antecedent basis. More specifically, Claims 29 and 30 at element (e) require that the layers be laminated together by a fluoroethylene polymer, which is not in the specification.

Claims 29 and 30 are amended to replace "fluoroethylene polymer" with "microporous or hydrophilic polymer." The support for this amendment is found in the specification on page 7 under Example 4.

The § 103(a) Rejection

Claims 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grillot in view of Kocinee et al. More specifically, the Examiner stated that it would be obvious to a person of ordinary skill in the art at the time the invention was made to provide the coat of Grillot with the tape of Kocinee et al. Claim 28 is cancelled.

The Examiner indicates, at paragraph 6, line 10 of Office Action, that Grillot, in paragraph [0008], discloses that both the dress facing and work facing are provided with a water repellent polymer. However, Grillot does not disclose this. Grillot merely discloses that each shell conforms with the NFPA standard for firefighter shells, which is NFPA 1971, Standard on Protective Ensemble for Structural Fire Fighting. There is no mention of a water repellent polymer and the NFPA Standard 1971 does not require such a polymer; it only requires that the coat meet certain water absorption and liquid penetration resistance requirements.

The Examiner also indicates, at paragraph 6, line 9 of Office Action, that Grillot, in paragraph [0009], discloses a vapor permeable barrier. However, Grillot does not disclose a vapor permeable barrier; Grillot only discloses a moisture barrier. Not all moisture barriers are vapor permeable, for example a rubber sheet.

Grillot, also in paragraph [0008], describes each shell as preferably being composed of NOMEX® having a basis weight of 9 ounces per square yard. This material is used in order to meet the thermal protection requirement of NFPA 1971. This means that Grillot discloses a fabric weight of more than 18 ounces per square yard, calculated by adding the 9 ounces per square yard for each of the outer layers and some minimal amount for the moisture barrier layer.

Claim 27 is amended to require that the fabric weight range from 3.75 to 9.5 ounces per square yard. This range is supported by the specification by adding the lowest disclosed weight for each of the layers ($2.0 + 0.75 + 1.0$) and by adding the highest disclosed weight for each of the layers ($4.5 + 2.5 + 2.5$), as disclosed in Examples 1, 2, and 3 on pages 6 and 7 of the present specification. With this amendment, the maximum weight for the coat of the present invention is less than half the weight of the coat disclosed by Grillot.

As shown in the above explanation, there are at least three differences between the claim 27 and the disclosure of Grillot. Grillot discloses NFPA 1971 compliance while claim 27 requires a water repellent polymer coating, Grillot discloses a moisture barrier

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while claim 27 requires a vapor permeable barrier, and Grillo discloses a minimum fabric weight of more than 18 ounces per square yard while claim 27 requires a maximum fabric weight of 9.5 ounces per square yard. Consequently, it is believed that the combination of Grillo and Kocinec et al. does not render claim 27 obvious. Thus, claim 27 is believed to be nonobvious for one of ordinary skill in the art and allowable.

Respectfully submitted,
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